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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548**

FILE: B-211406.2

DATE: June 19, 1984

MATTER OF: Martin Electronics, Inc.--Reconsideration

DIGEST:

GAO recommends, based on new information showing that contract performance is continuing beyond anticipated completion date in record in original protest, that agency consider feasibility of termination of sole-source contract and expedited recompetition given our prior sustaining of the protest.

Martin Electronics, Inc. (Martin), has filed a request for reconsideration of our decision in Martin Electronics, Inc., B-211406, April 24, 1984, 84-1 CPD 465, in which we sustained a protest by Martin against a sole-source contract awarded to another manufacturer by the Army. We did not recommend corrective action in our prior decision because the contract was to be completed in February 1984.

With its request for reconsideration, Martin has filed a copy of information obtained from the Army under the Freedom of Information Act which shows that performance of the contract is substantially behind schedule (only 285,725 of the 845,250 required units had been delivered to the Army as of May 8, 1984). In view of this new information, we now recommend that the Army consider the feasibility of termination of the present contract. If termination is feasible, we recommend that the Army recompute the remaining requirement and terminate the contract should another company be successful and submit a lower price for the remaining requirement than that found in the present contract.

The prior decision is modified accordingly.

for 
Comptroller General
of the United States